

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

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Grace New England, et al., \*

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Plaintiffs, \*

v. \*

**Docket No. 1:24-cv-00041-PB-AJ**

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Weare, NH, Town of, et al., \*

\*

Defendants. \*

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**DEFENDANTS’ MOTION FOR CLARIFICATION AND/OR  
ASSENTED-TO REQUEST TO SET DEADLINE OF MAY 13, 2025 TO RESPOND TO  
STATEMENT OF INTEREST OF THE UNITED STATES**

Defendants, the Town of Weare, New Hampshire, Craig Francisco, and Tony Sawyer, by and through counsel, Gallagher, Callahan & Gartrell, P.C., submit this Motion for Clarification and/or Request to Set Deadline to Respond to Statement of Interest of the United States, and respectfully state as follows:

1. On April 29, 2025, the United States filed a Statement of Interest in this matter, asserting a position contrary to certain arguments raised by Defendants in their recently-filed Motion for Summary Judgment and Supporting Memorandum of Law.

2. Given that the Statement of Interest presents additional argument in opposition to Defendants’ position, Defendants desire to submit a separate, limited response, directly addressing the matters raised in the Statement of Interest.

3. To undersigned counsel’s understanding, there is no Local Rule or Federal Rule of Civil Procedure that dictates the procedure or relevant time period to respond to a Statement of Interest.

4. Given undersigned counsel’s existing court deadlines on other matters, and the unexpected nature of the Statement of Interest, Defendants are unable to file a response to the

Statement of Interest within the existing summary judgement briefing schedule, in which each Parties' respective Reply is due Monday, May 5.

5. However, counsel for the Plaintiff and counsel for the United States have been contacted and have assented to a deadline of May 13, 2025 for the Defendants to file a brief in response to the Statement of Interest.

6. In the alternative, if this Court has a preferred procedure or timeline for addressing Statements of Interest, Defendants seek clarification and guidance from the Court as to its preferred approach for Defendants to follow.

7. Because the relief sought herein is within the discretion of this Court, a supporting memorandum is unnecessary. *See* Local Rule 7.1(a)(2).

WHEREFORE, the Town of Weare, New Hampshire, Craig Francisco, and Tony Sawyer, respectfully request that this Honorable Court:

- A. Set a deadline of May 13, 2025 for Defendants to file a brief in response to the Statement of Interest of the United States;
- B. In the alternative, provide clarification as to the preferred procedure and any relevant deadlines to address the Statement of Interest; and
- C. Grant such further relief as justice may require.

Respectfully submitted,

**TOWN OF WEARE, NEW HAMPSHIRE  
CRAIG FRANCISCO  
TONY SAWYER**

By Their Attorneys,

**Gallagher, Callahan & Gartrell, P.C.**

Dated: May 1, 2025

/s/ Emily C. Goering

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was transmitted this date via electronic mail to all counsel of record.

Dated: May 1, 2025

/s/ Emily C. Goering

Emily C. Goering